

**REMARKS/ARGUMENTS**

Claims 1-30 are pending in the application. Applicant respectfully requests reconsideration of the rejection.

Claims 1-30 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,009,269, issued December 28, 1999 to Burrows et al. (hereinafter “Burrows”) in view of U.S. Patent No. 5,940,827, issued August 17, 1999 to Hapner et al. (hereinafter “Hapner”). Initially, the Office Action acknowledges that Burrows does not disclose suspending a first thread for requesting access to a resource to which unsynchronized accesses can be performed as recited in claim 1. However, it is indicated that Hapner remedies the deficiencies of the primary reference.

The Office Action cites col. 10, lines 23-50 of Hapner in support of this assertion. This section of Hapner describes how condition variables can be used in association with mutexes. As Hapner explains, a “mutex” is a mutual exclusion lock (see, e.g., col. 10, lines 6-8) which when locked by one thread, prevents other threads from access (see col. 10, lines 12-23). The original section of Hapner cited in the Office Action deals with condition variables (e.g., true or false flags) that are used in conjunction with mutexes, but mutexes are still utilized.

Hapner discloses utilizing mutexes in conjunction with condition variables in order to synchronize threads. The utilization of mutexes will prevent unsynchronized accesses to resources. Hapner explains that these synchronization objects are utilized for synchronizing the execution of multiple threads (col. 10, lines 1-13). Thus, if one were to apply the teachings of Hapner to Burrows as asserted, synchronization objects would be utilized to prevent unsynchronized accesses to resources.

The invention as claimed is directed to analyzing multi-threaded programs. As noted in the Office Action, Burrows does not disclose suspending a first thread for requesting access to a resource to which unsynchronized accesses can be performed. If the teachings of Hapner are

applied to Burrows, synchronization objects would be utilized to synchronize accesses to resources. This is simply not the invention that is claimed.

As the Burrows and Hapner references, even if combined, do not disclose all the features of claim 1, a *prima facie* case of obviousness has not been established the claims are patentably distinct. All the pending claims include a similar feature, so they are patentably distinct for at least the same reasons.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8693.

Respectfully submitted,



Michael J. Ritter  
Reg. No. 36,653

RITTER, LANG & KAPLAN LLP  
12930 Saratoga Ave., Suite D1  
Saratoga, CA 95070  
Tel: 408-446-8690  
Fax: 408-446-8691